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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 OLANDA CROCKETT,

12 Plaintiff,

13 vs.

14 GE CAPITAL RETAIL BANK, and DOES
1 through 100, inclusive,,

15 Defendants.
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CASE NO. 3:13-CV-946-LAB-DHB

ORDER RE: AUTOMATIC STAY

17 Plaintiff has notified the Court that she has filed for bankruptcy, and she invokes the
18 automatic stay provision of the Bankruptcy Code, 11 U.S.C. § 362(a), to suggest that this
19 case is stayed. This is wrong.

20 The automatic stay provision doesn't cover cases, like this one, in which the debtor
21 is a plaintiff. *In re Palmdale Hills Property, LLC*, 654 F.3d 868, 875 (9th Cir. 2011) ("The stay
22 does not prevent a plaintiff/debtor from continuing to prosecute its own claims nor does it
23 prevent a defendant from protecting its interests against claims brought by the debtor.");
24 *Martin-Trigona v. Champion Fed. Sav. & Loan Ass'n*, 892 F.2d 575, 577 (7th Cir. 1989) ("For
25 in any event the automatic stay is inapplicable to suits *by* the bankrupt ('debtor,' as he is now
26 called").

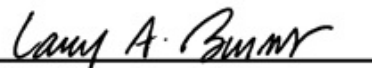
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1 Plaintiff is free to seek a stay on other grounds, see *Hilton v. Braunskill*, 481 U.S. 770,
2 776 (1987), but the Court finds no authority for staying this case under § 362(a) of the
3 Bankruptcy Code. Absent some better explanation as to why the automatic stay provision
4 of the Code applies here, Plaintiff must either pursue this case or drop it. Magistrate Judge
5 Bartick may reinstate the pretrial dates in this case.

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7 **IT IS SO ORDERED.**

8 DATED: May 10, 2013

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10 **HONORABLE LARRY ALAN BURNS**
11 United States District Judge
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